



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

February 5, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Schuykill Metals/Exide Technologies
Attn: Ari D. Levine
210 Carnegie Center, Suite 500
Princeton, NJ 08540

RE: Louisiana Oil Recycle & Reuse Site 06-AG
CERCLA Section 122(g) Administrative Order on Consent
EPA Docket No. 06-04-02

Dear Mr. Levine:

With this letter, the U.S. Environmental Protection Agency (EPA) is notifying you that it has not received the payment required by the above-referenced Administrative Order on Consent (AOC). Respondent's failure to pay \$208.20 by the due date as required in Section VII, Paragraph 17 is a violation of the AOC. Paragraph 17 states:

"Payment by Respondents. Within 30 days of the effective date of this Consent Order, each Respondent shall pay to the EPA Hazardous Substance Superfund the amount set forth in Appendix D to this Consent Order."

Interest is accruing on the unpaid amount in accordance with Section VIII, Paragraph 23 of the AOC, from October 16, 2002, at 1.47% per annum. As of the date of this letter, interest has accrued in the amount of \$95. Paragraph 23 states:

"If any Respondent fails to make full payment within the time required by Paragraph 17, that Respondent shall pay interest on the unpaid balance. In addition, if any Respondent fails to make full payment as required by Paragraph 17, the United States may, in addition to any other available remedies or sanctions, bring an action against that Respondent seeking injunctive relief to compel payment and/or seeking civil penalties under Section 122(1) of CERCLA, 42 U.S.C. § 9622(1), for failure to make timely payment."

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Payment in the amount of **\$209.15** is due immediately. If payment is not made within thirty (30) days after the date of this Notice, the payment amount, plus any accrued interest, will be referred to the Department of Justice for enforcement and collection. No additional EPA notice will be sent. The litigation referral will also include enforcement costs, including attorneys' fees, as appropriate.

The manner and method of payment is set forth in Section VII, paragraph 19 of the AOC. Paragraph 19 states:

"Each payment shall be made by certified or cashier's check made payable to "EPA Hazardous Substance Superfund." Each check shall reference the name and address of the party making payment, the Site name, the EPA Region and Site Spill ID Number 06AG, and the EPA Docket number for this action, and shall be sent to:

EPA Superfund-Louisiana Oil Recycle & Reuse Site (06AG)
CERCLIS #: LAD985219591
Superfund Accounting
P.O. Box 360582M
Pittsburgh, PA 15251
ATTN: COLLECTION OFFICER FOR SUPERFUND"

Also, if payment is not made within thirty (30) days after the date of this Notice, the AOC will become null and void based on your noncompliance with the terms of the agreement. Failure to resolve your liability by satisfying the payment obligations and complying with the agreement will preclude contribution protection under CERCLA Section 113(f)(2) and as set forth in Section X, paragraph 26 of the AOC. Noncompliance will prevent EPA's covenant not to sue from taking effect as set forth in Section X, paragraph 26 of the AOC. Paragraph 26 states:

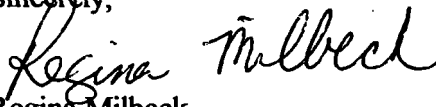
"In consideration of the payments that will be made by Respondents under the terms of this Consent Order, and except as specifically provided in Section XI (Reservations of Rights by EPA), EPA covenants not to sue or take administrative action against any of the Respondents pursuant to Sections 106 or 107 of CERCLA, 42 U.S.C. §9606 or 9607, relating to the Site. With respect to present and future liability, this covenant not to sue shall take effect for each Respondent upon receipt of that Respondent's payment as required by Section VII. With respect to each Respondent, individually, this covenant not to sue is conditioned upon:

- a) the satisfactory performance by Respondent of all obligations under this Consent Order; and b) the veracity of the information provided to EPA by Respondent relating to Respondent's involvement with the Site. This covenant not to sue extends only to Respondents and does not extend to any other person."

If you have any questions or wish to discuss this matter, or need to make further payment arrangements due to financial difficulties or other reasons, please contact Cheryl Shipley at 214-665-7474.

Please note, unless otherwise advised in writing by EPA, any communications with EPA will not relieve you of your obligation to make the required timely payment as provided in this letter.

Sincerely,


Regina Milbeck
Financial Management Officer

cc: Amy McGee 6RC-S
Buddy Parr 6SF-AC
Janice Bivens 6SF-AC